FORTY-SECOND DAY

(Thursday, March 23, 1939)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Moffett Beck Moore Brownlee Pace Burns Redditt Collie Roberts Cotten Shivers Graves Small Hardin Spears Head Stone Hill of Galveston Isbell Stone of Washington Kelley Sulak Lanning Van Zandt Lemens Weinert Martin Winfield Metcalfe

Absent—Excused

Nelson

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Nelson was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Reports of Standing Committees

Senator Roberts submitted the following reports of the Committee on Finance:

> Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 405, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary Institutions of the State of Texas for the

two year period beginning September 1, 1939, and ending August 31, 1941, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 227, A bill to be entitled "An Act declaring the policy of the State in regard to the extension and development of free public library service in all parts of the State; providing for a Texas Library and Historical Commission of six (6) members; creating a Division of Public Libraries in the Texas State Library; stating the purpose, powers, and duties of the Commission, the State Librarian and Division Directors, and requiring annual reports including a survey of public library facilities in the State; providing for the administration of State aid to free public libraries; providing for a State Board of Library Examiners for the certification of public librarians; revising the county library laws and provid-ing for combined county and school libraries; amending Articles 5434, 5435, 5436, 5441, 5445, 5446, 1678, 1679, 1686, 1687, and 1649 of the Revised Civil Statutes of 1925; repealing Article 1682; amending Title 89 of the Revised Civil Statutes of 1925 by adding thereto new sections to be known as Articles 5446a and 5446b, and amending Title 35 by adding thereto a new section to be known as Article 1694a; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 309, A bill to be entitled "An Act enlarging the powers and duties of the State Department of Education of the State of Texas, so as to provide a Division for the Prevention of Crime by Education; providing for the appointment of the personnel of said division; fixing their salaries, and defining their duties; providing that clerks of the courts of the various districts, counties, pre-cincts, and cities of the State of Texas make monthly reports to this Division, containing the history of the career of crime of all defendants convicted for crime in such courts, the educational attainments of such convicts and their social surroundings; etc. repealing all laws and parts of laws in conflict herewith, and declaring an emergency,

Have had the same under consideration, and I am instructed to report it back to the Senate with recom-mendation that it do pass with the attached committee amendments and be printed.

ROBERTS, Chairman.

Senator Weinert submitted the following reports of the Committee on Judicial Districts:

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 806, A bill to be entitled "An Act providing for and fixing compensation for County Auditors in certain counties; and declaring an emergency,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Vice Chairman.

Senate Concurrent Resolution 25

Senator Stone of Washington offered the following resolution:

Authorizing the use of certain State Highway equipment.

Whereas, State Highway No. passes through the City of Somerville; and

Whereas, The citizens of Somerville are desirous of paving the Main Street in the City of Somerville; and

Whereas, The amount of work to be done in so paving the Main Street is too small for the parties interested to let said paving by private contract; and

Whereas, The State Highway Department has paving equipment now located in Burleson County; and Whereas, The City of Somerville

and the County of Burleson do not have the equipment with which to do said work themselves; and

Whereas, The law does not permit the State Highway Department to loan its equipment to any citizen or group of citizens for the purpose of doing pavement work; and

Whereas, It is believed to be advantageous to the people of Burleson County and to the State at large that the Main Street in Somerville be paved; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the State Highway Department be, and it is hereby authorized to loan to the City of Somerville and the County of Burleson any of said Department's paving equipment with which to pave the Main Street in the City of Somerville on the condition that the City of Somerville and the County of Burleson pay all expenses and charges incurred and incident to the paving of the street aforesaid, and that the State Highway Department in no event is to be liable for any expenses or damages that may be suffered by anyone in the performance of said paving work, and that the City of Somerville and the County of Bur-leson shall return to the State Highway Department said paving equipment immediately upon the completion of said work, in as good condition as when the said equipment was loaned to the said City of Somerville and County of Burleson.

The resolution was read; and on motion of Senator Stone of Washington and by unanimous consent, it was considered at this time and was adopted.

House Concurrent Resolution 14

The President laid before the Senate, for consideration at this time, the following resolution:

H. C. R. No. 14, Regarding the employment of both man and wife of the same family in State Departments.

The resolution was read.

Senator Hardin offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 14 by Hardin by adding after the word "family," at the end of said resolution the following: "; provided that this resolution shall not apply where neither the husband nor wife receives one hundred dollars or more as salary."

The amendment was adopted.

Senator Burns offered the following amendment to the resolution:

Amend H. C. R. No. 14 by adding and placing in proper place: "Provided, that the provisions of this resolution shall not apply to the manager and matron of the Goree State Prison Farm."

The amendment was adopted.

Senator Metcalfe offered the following amendment to the resolution:

Amend H. C. R. No. 14 to provide that same shall not apply to eleemosynary institutions.

Senator Hardin moved to table the amendment.

Yeas and naye were demanded, and the motion to table was lost by the following vote:

Yeas-11

Cotten	Stone
Graves	of Washington
Hardin	Sulak
Isbell	Van Zandt
Redditt	Weinert
Stone	Winfield
of Galveston	

Nays—14

Aikin	Lanning
Beck	Lemens
Brownlee	Metcalfe
Burns	Moffett
Collie	Roberts
Hill	Shivers
Kelley	Small

Absent

Head	Pace
Martin	Spears
Moore	_

Absent-Excused

Nelson

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas-12

Aikin	Kelley
Beck	Lanning
Brownlee	Metcalfe
Burns	Roberts
Collie	Shivers
Hill	Small

Navs-12

Cotten	Stone
Graves	of Washington
Hardin	Sulak
Isbell	Van Zandt
Lemens	Weinert
Redditt	Winfield
Stone	
of Galveston	

Absent

Head	Moore
Martin	Pace
Moffett	Spears

Absent-Excused

Nelson

Brownlee

Hardin

Isbell

Senator Graves offered the following amendment to the resolution:

Amend pending resolution so as to exempt all cases where the combined monthly salaries of the husband and wife do not exceed \$175.

The amendment was adopted.

Senator Brownlee moved to table the resolution subject to call.

Yeas and nays were demanded, and the motion to table subject to call was lost by the following vote:

Yeas—8

Moffett

Shivers .

Head	Roberts
Metcalfe	Small
	Nays—20
Aikin	Kelley
Beck	Lanning
Burns	Lemens
Collie	Martin
Cotten	Pace
Graves	Redditt

Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield

Absent

Hill Moore Spears

Absent—Excused

Nelson

Question recurring on the resolution, it was adopted.

House Bill 11 on Second Reading

Senator Aikin moved that the regular order of business be suspended, to permit consideration of H. B. No. 11 at this time.

The motion prevailed by the following vote:

Yeas-20

Aikin	Metcalfe
Beck	Moffett
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Hardin	Stone
Hiti	of Galveston
Isbell	Sulak
Lanning	Van Zandt
Lemens	

Nays—8

Graves	Stone
Martin	of Washington
Moore	Weinert
Small	Winfield
Spears	

Absent

Head

Kelley

Absent-Excused

Nelson

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 11, A bill to be entitled "An Act appropriating the sum of One Million Ninety-five Thousand (\$1,095,000) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid;

providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries, of high school tuition, and of transportation, and of vocational aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved by payment at the end of the 1937-38 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Nine Hundred and Fifty-five Thousand (\$955,-000.00) Dollars for salary aid. One Hundred and Five Thousand (\$105,-000.00) Dollars for transportation, Thirty-five Thousand (\$35,000.00) Dollars for high school tuition, and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following amendment to the bill.

Amend H. B. No. 11, Sec. 4a, by adding a new sentence at the end of the section to read as follows: "Provided that the funds appropriated in this section shall not be available until July 1, 1939."

The amendment was adopted.

Senator Aikin moved to reconsider the vote by which the amendment was adopted.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas-14

Aikin	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Sulak
Head	Van Zandt

Nays-13

Beck	Shivers
Martin	Small
Metcalfe	Spears
Moore	Stone
Pace	of Washington
Redditt	Weinert
Roberts	Winfield

Absent

Hardin Moffett Stone of Galveston

Absent—Excused

Nelson

Question—Shall the amendment be adopted?

Senator Aikin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas-17

Aikin	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Moffett
Cotten	Pace
Hardin	Stone
Head	of Galveston
Hill	Sulak
Ishell	Van Zandt

Nays-13

Beck	Shivers
Graves	Small
Martin	Spears
Metcalfe	Stone
Moore	of Washington
Redditt	Weinert
Roberts	Winfield

Absent—Excused

Nelson

The bill was then passed to third reading.

House Bill 11 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-25

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalfe
Cotten	Moffett
Hardin	Pace
Head	Redditt
Hill	Shivers
Isbell	Small

Stone Sulak Van Zandt Stone Winfield Winfield

Nays—5

Graves Moore Roberts Spears Weinert

Absent-Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-26

Aikin	Martin
Beck	Metcalfe
Brownlee	Moffett
Burns	Pace
Collie	Redditt
Cotten	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Winfield

Nays—4

Moore Spears Roberts Weinert

Absent-Excused

Nelson

Communication from Chief Justice of Supreme Court

The President laid before the Senate, and had read, the following communication:

In Re:

The Appointment of a Member of the Board of Pardons and Paroles.

Be it remembered that the appointment of Honorable Adam R. Johnson as a member of the Board of Pardons and Paroles of the States of Texas, on the 14th day of February, 1939, is hereby withdrawn.

Be it also remembered that on the day and date shown below, by virtue of the duty and power conferred upon me by the Constitution and laws of Texas, I have appointed, and do by this hereby appoint, the Honorable

Walter C. Strong, of Rusk County, Texas, to office as one of the members of the Board of Pardons and Paroles of the State of Texas, to fill the unexpired term which began on February 1, 1939, and which was made vacant by the expiration of the term of office of the Honorable Bruce W. Bryant at midnight January 31, 1939. The above withdrawal and this appointment are subject to the advice and consent of the Senate.

A certified copy of this order shall be transmitted to the Secretary of State, the Senate now in session, and to the Honorable Walter C. Strong.
In Testimony Whereof, witness my

hand and the seal of the Supreme Court of Texas, at the City of Austin, this, the 23rd day of March, 1939.

> C. M. CURETON, Chief Justice of the Supreme Court of the State of Texas.

Attest:

S. A. PHILQUIST, Clerk of the Supreme Court of the State of Texas.

The communication was referred to the Committee on Nominations of the Governor.

Reports of Standing Committees

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Committee on Civil Jurisprudence:

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 357, by Van Zandt.

Have had same under consideration, and beg leave to report back to the Senate that it do not pass but that the committee substitute do pass and be printed.

VAN ZANDT, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the fol-lowing reports of the Committee on Counties and County Boundaries:

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

ties and County Boundaries, to whom was referred

H. B. No. 469, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas, having a population of not less than twenty-nine thousand, seven hundred and fifty (29,750) nor more than thirty thousand and twenty-five (30,025), according to the last Federal Census; providing the salary to be paid monthly; providing for the making of reports to the State Superintendent of Public Instruction; repealing all laws and parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

HARDIN, Chairman.

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 408, A bill to be entitled "An Act providing and fixing compensation for County Commissioners in certain counties; and declaring an emergency,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

HARDIN, Chairman.

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaires, to whom was referred

S. B. No. 308, A bill to be entitled "An Act fixing the maximum fees of county officials in certain counties containing a population of not less than 18,528 and not more than 18,-, 535 according to the last preceding Federal Census, and declaring an emergency,

Have had the same under consider-Sir: We, your Committee on Coun- ation, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following reports of the Committee on Game and Fish:

Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 813, A bill to be entitled "An Act making it unlawful to hunt, shoot, or kill any deer or wild turkey for a period of five (5) years in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties, Texas; fixing a penalty; repealing all laws or parts of laws in conflict herewith in so far as they apply to such counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Chairman.

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 534, A bill to be entitled "An Act to amend Section 1 of House Bill No. 31, Acts 1937, of the Second Called Session of the Forty-fifth Legislature; providing for an open season on mourning doves in Ellis County; providing other laws of the State with reference to taking mourning doves shall apply in Ellis County; and fixing a penalty for violation of the Act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas, March 15, 1939.

Hon. Coke R. Stevenson, President of not printed. the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 444, A bill to be entitled "An Act to amend Sec. 1, Art. 306, Furbearing Animal Laws as passed by Acts of Regular Session, Forty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 844, A bill to be entitled "An Act to repeal House Bill No. 579, Acts of the Regular Session of the Forty-fourth Legislature, making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 654, A bill to be entitled "An Act making is unlawful to trap, snare, shoot, catch, or kill any wild fox in Nacogdoches County for a period of two (2) years; providing certain exceptions; fixing the effective date of the Act; and providing a penalty for violation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

House Bill 802 on Second Reading

Senator Kelley moved that Senate rule 31a and the regular order of business be suspended, to permit consideration of H. B. No. 802 at this time.

The motion prevailed by the following vote:

Yeas--29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning Lemens Martin	Moffett Moore Pace Redditt Roberts Shivers Small Stone of Galveston Stone of Washingtor Sulak Van Zandt Weinert Winfield
Martin Metcalfe	AA IUHGIG

Nays-1

Spears

Absent-Excused

Nelson

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 802, A bill to be entitled "An Act validating proceedings heretofore had by certain cities in Texas, other than home-rule cities, for the issuance of revenue bonds and ad valorem tax bonds for the purpose of procuring funds to construct waterworks and sewer systems for such cities, validating the bonds to be issued pursuant to such proceedings and the indentures executed and to be executed as security for such bonds, authorizing the adoption of the proceedings necessary to complete the issuance of such bonds, validating proceedings had in the incorporation of such cities, providing the manner in which the assessed valuation of taxable property may be determined in such of said cities as have not heretofore levied taxes, repealing all conflicting Acts, and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendment to the bill:

Amend Sec. 5, H. B. No. 802, by striking out the following language in said section: "or which may be filed within ninety days after this Act becomes a law;" and amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

House Bill 802 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 802 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent-Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-26

Aikin	Moore
Beck	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Nays-3

Collie Isbell Stone of Washington

Present-Not Voting

Brownlee

Absent-Excused

Nelson

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 430, "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River, and declaring an emergency."

H. B. No. 607, "An Act amending H. B. No. 72, Chapter 39, page 83, Section 4 of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; providing for manner of paying salaries for rural school supervisors in Van Zandt County, and declaring an emergency."

Recess

On motion of Senator Moffett, the Senate, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Leave of Absence Granted

Senator Lemens was granted leave of absence for remainder of today on account of illness, on motion of Senator Cotten.

House Bill 804 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to

permit consideration of H. B. No. 804 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 804, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill or attempt to kill by any means whatsoever, any wild turkey, Chachalaca or wild Mexican pheasant in the Counties of Comal and Guadalupe for a period of four (4) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 804 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 804 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Moore Pace Beck Brownlee Redditt Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone Head of Galveston Stone Hill of Washington Isbell Kelley Sulak Van Zandt Lanning Weinert Martin Metcalfe Winfield Moffett

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Collie
Beck Cotten
Brownlee Graves
Burns Hardin

	~1 .
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Martin	Stone
Metcalfe	of Washington
Moffett	Sulak
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

Absent-Excused

Lemens

Nelson

House Bill 559 on Second Reading

On motion of Senator Moffett and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 559 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 559, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than seventyfour thousand (74,000) and not more than seventy-six thousand (76,000), according to the last preceding United States Census and not less than Forty-one Million (\$41,000,000) Dollars and not more than Forty-five (\$45,000,000 Dollars able valuation, according to the last available tax roll to allow each County Commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business requiring each such Commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 559 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 559 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

Senate Resolution 48

Senator Pace, by unanimous consent, offered at this time the following resolution:

Whereas, Mrs. Roy C. Owens with her party of approximately 35 pupils from Tyler Senior High School en route to attend the Texas Association of Student Councils in San Antonio on March 24th and 25th, is in the gallery of the Senate today; therefore, be it

Resolved by the Senate of the State of Texas, That we extend to these

young people our appreciation for their visit and interest in our deliberations and wish them a pleasant and profitable journey.

The resolution was read; and on motion of Senator Pace and by unanimous consent, it was considered at this time and was adopted.

House Bill 60 on Second Reading

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 60 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 60, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty thousand, two hundred eighty-five (30,285) and not more than thirty thousand, two hundred ninety-one (30,291) according to the last Federal Census; providing the amount of compensation; providing for payment of such compensation out of the State and County Available School Fund; providing that this Act shall be cumulative of all existing laws on this subject but further providing that this Act shall apply where in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 60 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas-29

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Martin
Cotten	Metcalfe
Graves	Moffett
Hardin	Moore
Head	Pace

To - 3 3144	Gt
Redditt	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
Stone	Winfield
of Galveston	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-27

n
2

Nays-2

Roberts

Shivers

Absent-Excused

Lemens

Nelson

House Bill 473 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 473 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 473, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in this State having a population of more than 140,000 inhabitants and less than 290,000 inhabitants, and wherein is situated an incorporated city of more than 140,000 inhabitants, according to the last preceding Federal Census; providing generally the rights, powers and duties of such Agent in reference to the handling and purchase of supplies, materials

and equipment and in reference to contracting for repairs to property, and for expenditures generally; providing the means, manner and method of appointment, tenure and compensation of said Agent; prescribing offenses, fines and penalties; prescribing the duties of certain other officers in connection therewith; and providing that if any portion of this Act is held unconstitutional the remaining part of said Act will remain unaffected, and declaring an emergency."

The bill was read second time.

Senator Martin offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 473, page 1, by striking out the word "Judge" in line 8, Section 1, of said bill, and inserting in lieu thereof the word "Judges."

(2)

Amend H. B. No. 473, page 2, by striking out in lines 11 and 12 the following: "for a period concurrent with the terms of the District Judges," and in lieu thereof insert the following: "for a period of four years."

(3)

Amend H. B. No. 473, page 3, Section 1, line 13, by striking out the word "of" immediately following the word "salary" and insert in lieu thereof the words "not to exceed."

(4)

Amend H. B. No. 473, page 3, Section 1, in the last sentence by striking out the word "his" and inserting in lieu thereof the words "said purchasing agent's."

(5)

Amend H. B. No. 473, page 4, Section 5, lines 4 and 5, by striking out the words "One Hundred," and inserting in lieu thereof the word "Ten."

The (committee) amendments were adopted severally.

On motion of Senator Martin, the caption of the bill was amended to conform to the body of the bill.

The bill was passed to third reading.

House Bill 473 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Absent-Excused

Lemens Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves	Moore Pace Redditt Roberts Shivers Small Spears
Hardin	Stone
Head Hill	of Galveston Stone
Isbell Kelley	of Washington Sulak
Lanning	Van Zandt
Martin Metcalfe	Weinert Winfield
Moffett	

Absent-Excused

Lemens Nelson

House Bill 239 on Second Reading

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 239 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 239, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 239 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	34
	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

House Bill 825 on Second Reading

On motion of Senator Hardin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 825 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 825, A bill to be entitled "An Act validating any orders and proceedings directed toward the issuance of bonds for Justice Precinct No. 5 of Falls County, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 825 on Third Reading

Senator Hardin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 825 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Isbell
Kelley
Lanning
Martin
Metcalfe
Moffett
Moore
Pace
$\mathbf{Redditt}$
Roberts

Shivers
Small
Spears
Stone
Of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Moore Pace Beck Redditt Brownlee Burns Roberts Shivers Collie Small Cotten Graves Spears Hardin Stone of Galveston Head Stone Hill of Washington Isbell Kelley Sulak Van Zandt Lanning Martin Weinert Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

House Bill 595 on Second Reading

On motion of Senator Stone of Washington and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 595 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 595, A bill to be entitled "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-seven thousand, two hundred and thirty-five (27,235) and not more than twenty-seven thousand, three hundred (27,300), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation

therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 595 on Third Reading

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 595 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Martin
Beck	Metcalfe
Brownlee	Moffett
Burns	Moore
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	

Stone of Washington Sulak

Van Zandt Weinert Winfield

Absent—Excused

Lemens

Nelson

House Concurrent Resolution 30

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 30 at this time.

The President laid before the Senate for consideration at this time:

H. C. R. No. 30, Accepting a donation from the Houston Light Guard Veterans Association, Inc., of certain lots and a building located within the City of Houston, for the maintenance of a permanent armory for Company G., 143rd Infantry, Texas National Guard.

The resolution was read.

Senator Moore offered the following amendment to the resolution:

Amend H. C. R. No. 30 by striking out the tenth paragraph and inserting in lieu thereof the following:

"Be it further Resolved, That the armory situated on the premises hereinabove more particularly described, on the execution of the deed herein referred to, shall become and be a Texas National Guard Armory and shall be forever known as the Hous-

ton Light Guard Armory.
"Be it further Resolved, That it shall be the duty of the Texas National Guard Armory Board, and its successors, to have charge of and provide for the maintenance, repair, insurance, and operating expenses of the said Armory, and to keep the said property in a good and fit condition for occupancy and use as an armory by the Houston Light Guard, now designated as Company G, 143rd Infantry, Texas National Guard, and its successor military companies.

"Be it further Resolved, That a Board is hereby created to discharge such other and further duties as may befall the State of Texas in the ownership, management and control of the property, the donation of which is hereby accepted, which board shall consist of one active infantry officer of the 36th Division, Texas National Guard, to be named by the Adjutant General of the State of Texas, one

active infantry officer of the 36th Division, Texas National Guard, to be named by the Texas National Guard Armory Board, or its successors, and three members to be named by the Board of Trustees of the Houston Light Guard Veterans Association, Inc. The term of office of the members of this board shall Vacancies in such be two years. membership, occurring by death, resignation, or expiration of term, shall be successively filled in the same manner as above set out. The board shall be known as the Houston Light Guard Armory Board of Control. This board shall keep a complete record of all its proceedings. A majority of said board shall constitute a quorum for the transaction of business."

The amendment was adopted.

The resolution as amended was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. C. R. No. 14 by a viva voce

The House has passed the following resolution:

S. C. R. No. 22, Requesting the Texas Highway Department to lend to the Vernon Independent School District certain discarded highway equipment.

Respectfully submitted, E. R. LINDLEY, Chief Clerk, House of Representatives.

House Bill 572 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to

H. B. No. 572, A bill to be entitled "An Act authorizing the transfer of causes from the County Criminal Court of Dallas County, Texas, to the County Courts at Law of Dallas County, Texas, and declaring an emergency."

The bill was read second time.

Senator Graves offered the following amendment to the bill:

Amend the bill by striking out all before and all after the enacting clause and inserting in lieu thereof the following:

S. B. No. 201, A bill to be entitled "An Act authorizing the Judges of County Courts at Law and County Criminal Courts in certain Counties to hold court for or with one another, and conferring the necessary civil jurisdiction upon Judges of County Criminal Courts to enable them to hold court for or with Judges of County Courts at Law, and declaring an emergency."

Section 1. In any County in this State having a population in excess of 300,000, according to the last preceding Federal Census, and in which there may be now or at any future time, one or more County Courts at Law, and one or more County Criminal Courts, the Judges of such County Criminal Courts and such County Courts at Law, may hold court for or with one another; to the extent necessary to enable the Judge of any such County Criminal Court to hold court for or with the Judge of any such County Court at Law, the same civil jurisdiction is hereby conferred on such County Criminal Court as now exists or may hereafter be conferred upon the County Courts at Law under the Constitution and laws of this State.

Sec. 2. The fact that there is no law authorizing Judges of County Criminal Courts to hold court for or with Judges of County Courts at Law, creates an emergency, and an imperative public necessity requiring that the constitutional rule requiring that bills be read in each House on three several days be, and the same is hereby, suspended, and this bill shall take effect upon and after its passage.

The amendment was adopted.

The bill was passed to third reading.

House Bill 572 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 572 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 193 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 193 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 193, A bill to be entitled "An Act authorizing the Commissioners' Court in each County in this State having a population of not less than twelve thousand seven hundred (12.700) nor more than twelve thousand nine hundred (12,900), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the County; requiring each such Commis-

sioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the County, and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following (committee) amendment to the bill:

Amend H. B. No. 193 to provide that the amount allowed for traveling expenses shall not exceed Thirty-five Dollars (\$35.00) per month.

The amendment was adopted.

The bill was passed to third reading.

House Bill 193 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--29

Hill Stone Isbell of Kelley Sulak	rts ers crs crs crs crs dalveston eventor critical critic
--------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head Hill Isbell Kelley Lanning Martin Metcalfe Moffett Moore Pace Redditt	Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield
Redditt Roberts	Winfield
Roberts	

Absent—Excused

Lemens

Nelson

House Bill 599 on Second Reading

On motion of Senator Collie, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 599 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 599, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Stephens County, Texas, and to conform the jurisdiction of the District Court of such County to such change; to preserve the jurisdiction and power of the County Court of Stephens County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the County Clerk of such County to transmit all papers in pending civil and criminal cases to the District Court of said County; and to continue in effect the filing date of papers previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such County will be authorized to charge in connection with filing of papers so transmitted to him; to provide for the County Attorney of Stephens County, Texas, to represent the State in misdemeanor cases in the District Court, and to declare an emergency."

The bill was read second time and was passed to third reading.

House Bill 599 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 599 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	$\mathbf{Redditt}$
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens

Nelson

Resolution Signed

The President signed in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 22, Authorizing the State Highway Department to lend to the School Board of Vernon Independent School District certain discarded wire.

Conference Committee on House Rill 474

Senator Pace moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 474 be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Pace, Van Zandt, Nelson, Cotten and Burns.

House Bill 558 on Second Reading

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 558 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 558, A bill to be entitled "An Act making an appropriation out of the General Fund of the State of Texas for the Secretary of State for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of compiling, editing, indexing, binding, and distributing the current laws and journals; making same immediately available, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 558 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 558 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Kelley
Lanning
Martin
Metcalfe
Moffett
Moore
Pace
Redditt
Roberts
Shivers
Small

Spears Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

Report of Committee on Nominations of the Governor

Senator Shivers submitted at this time the following report of the Committee on Nominations of the Governor:

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the request of Hon. C. M. Cureton, Chief Justice of the Supreme Court,

Asking permission to withdraw his nomination of Adam R. Johnson as a member of the Board of Pardons and Paroles of the State of Texas.

Have had same under consideration and recommend that this permission be granted.

SHIVERS, Chairman.

The report was read.

On motion of Senator Shivers the report was adopted and the request of the Chief Justice of the Supreme Court was granted.

Reports of Standing Committees

Senator Aikin, by unanimous consent, submitted at this time the following reports of the Committee on Education:

Austin, Texas, March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 283, A bill to be entitled "An Act to amend Chapter 196, Revised Civil Statutes of 1925, Acts of the Forty-third Legislature, 1933, by adding a new section thereto to be designated as Section 4a and providing that the governing board of several institutions, supported in whole or in part by the State Treasury, shall cause to be collected from students registering in said schools, additional tuition for instruction in the Fine Arts Departments, Schools, or Colleges with certain exceptions, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu of the original bill and be printed.

AIKIN, Chairman.

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 566, A bill to be entitled "An Act authorizing persons residing in county line school districts and who are otherwise qualified voters to vote for county school trustees of the county having management and control of such county line school district, even though such voters reside in that portion of the county line district lying outside of the county having management and control of the county line district; repealing all laws and parts of laws in conflict herewith to the extent of such conflict, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 711 by McMurry, A bill to be entitled "An Act to provide a more adequate and equitable salary of County Superintendents of Public Instruction, and providing that said salary may be fixed by the County Board of Education in all of those counties of the State of Texas coming within the brackets and population figures herein named, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas, March 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 355, A bill to be entitled "An Act providing for additional traveling expenses for County Superintendents of Public Instruction in counties of Texas having a population of not less than 15,725 and not more than 15,775, according to the last preceding Federal Census, and declaring an emergency,"

Have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Bill 769 on Second Reading

On motion of Senator Stone of Galveston, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 769 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 769, A bill to be entitled "An Act to amend Article 326 of the Penal Code of the State of Texas, relating to aiding any person to escape from jail; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 769 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 769 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill	Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone
Graves	
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

A *1-*	T
Aikin	Lanning
Beck	Martin
Brownlee	Metcalfe
Burns	Moffett
Collie	Moore
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers.
Hill	Small
Isbell	Spears
Kelley	

Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield

Absent—Excused

Lemens

Nelson

House Concurrent Resolution 47

The President laid before the Senate for consideration at this time:

H. C. R. No. 47, Urging Congress to pass the appropriation bill now before Congress for the eradication of the pink boll worm.

The resolution was read.

Senator Moffett moved the previous question on the resolution, and the motion was not seconded.

After further consideration of the resolution, Senator Van Zandt moved the previous question on its adoption, and the motion was duly seconded.

Yeas and nays were demanded on the question, Shall the main question be now ordered? The Senate refused to order the main question at this time by the following vote:

Yeas-10

Brownlee • Collie Head Lanning Metcalfe

Moffett Pace Spears Van Zandt Winfield

Nays-17

Aikin Beck Burns Cotten Graves Hardin Redditt Roberts Shivers Stone of Galveston Stone

Hill Kelley Martin Moore

of Washington Sulak

Weinert

Absent

Isbell

Small

Absent—Excused

Lemens

Nelson

The resolution was adopted.

Record of Vote

Senator Moore asked to be recorded as voting "yea" on the resolution.

Relative to Consideration of Local Bills

Senator Collie moved that the regular order of business be suspended for purpose of taking up, and disposing of, at this time, local bills as defined in Senate rule 104.

The motion was agreed to by unanimous consent of the Senate.

House Bill 80 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 80 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 80, A bill to be entitled "An Act to provide for and create a city-county health unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred twenty thousand (120,000) inhabitants and to provide that the Commissioners' Court of said County and the City Council of said city may cooperate in forming a city-county health unit and combine the health units of each political subdivision for such purpose and appropriate funds to the combined health unit in such proportion as may be agreed to between the Commissioners' Court and the City Council; said health unit to be under the direction and supervision of the City-County Board of Health; and providing for the election and/or ap-pointment of members of said citycounty health unit; and providing for the qualifications of the members of the said city-county health unit; and for their terms of office; and provid-ing for the operation of said citycounty health unit and for funds for the operation thereof; providing that a Director shall be appointed to actively manage the operation of the health unit under the supervisions of the City-County Board of Health;"

The bill was read second time and was passed to third reading.

House Bill 80 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 80 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	$\mathbf{Redditt}$
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Absent-Excused

Lemens

Nelson

House Bill 805 on Second Reading

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 805 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 805, A bill to be entitled "An Act repealing H. B. No. 138, Chapter 63, page 1990, Special Laws of the Second Called Session of the Forty-fifth Legislature, 1937 (a local game law for Montgomery County) and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 805 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 805 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	***************************************

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley	Metcalfe Moffett Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone
Isbell	of Galveston
Kelley Lanning Martin	Stone of Washington Sulak

Van Zandt Weinert Winfield

Absent—Excused

Lemens

Nelson

House Bill 817 on Second Reading

On motion of Senator Hill, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 817 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 817, A bill to be entitled "An Act amending Article 6869, Revised Civil Statutes, 1925, as amended, Acts 1929, Forty-first Legislature, First Called Session, page 283, Chapter 113, Section 1, by adding a new section thereto, to be known as Article 6869b, providing for the number of deputy sheriffs in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and having a property valuation in excess of One Hundred Million (\$100,000,000) Dollars, according to the approved State and county tax rolls for the preceding year, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 817 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 817 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--29

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Martin	Sulak

Van Zandt Weinert Winfield

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives. Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 65, Providing for correction of H. B. No. 660.

H. C. R. No. 66, Providing for correction of H. B. No. 266.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bill 234 on Second Reading

On motion of Senator Aikin, and by unanimous consent, Senate rule 48a was suspended and the regular order of business was suspended, to permit consideration of H. B. No. 234 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 234, A bill to be entitled "An Act authorizing the County Boards of certain counties to set aside an amount not to exceed Six Hundred (\$600.00) Dollars to defray the expenses of the County Superintendent and County School Board of Trustees in the administration of scholastic affairs; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 234 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 234 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning	Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt
Isbell	of Washington
	
Metcalfe Moffett	Winfield

Absent-Excused

Lemens	Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Martin

Metcalfe	Stone
Moffett	of Galveston
Moore	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Absent-Excused

Lemens N	elson
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House Bill 611 on Second Reading

On motion of Senator Small, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 611 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 611, A bill to be entitled "An Act creating a Special Road Law for Carson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 611 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 611 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Moore Beck Pace Redditt Brownlee Roberts Burns Collie Shivers Cotten Small Graves Spears Stone Hardin of Galveston Head Hill Stone of Washington Sulak Isbell Kelley Van Zandt Lanning Martin Weinert Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning Martin Metcalfe Moffett	Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield
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Absent-Excused

Lemens

Nelson

House Bill 350 on Second Reading

On motion of Senator Roberts, and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 350 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 350, A bill to be entitled "An Act to amend Article 198, Title 8, Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following committee amendments to the bill:

(1)

Amend H. B. No. 350 by striking out the first paragraph of Section 1 and substituting in lieu thereof the following:

Section 1. That Section 1 of Article 198, Title 8, of the Revised Civil Statutes of Texas of 1925, as amended by Acts, 1927, Fortieth Legislature, Page 378, Chapter 225, as amended by Acts, 1929, Forty-first Legislature, Page 106, Chapter 51, as amended by Acts, 1932, Forty-second Legislature, Third Called Session, Page 103, Chapter 38, as amended by Acts, 1934, Forty-third Legislature, Third Called Session, Page 54, Chapter 31, be amended so that it shall hereafter read as follows, to-wit:

This State shall be divided into eleven (11) Supreme Judicial Districts, composed of the following named counties for the purpose of constituting and organizing a Court of Civil Appeals in each of the several Supreme Judicial Districts as follows, to-wit:

(2)

Amend H. B. No. 350 by adding thereto a new section to be known as Section 2, which section provides as follows:

Section 2. All appeals, writs of error, and other processes and proceedings arising in civil cases from the trial courts of DeWitt County, Texas, beginning with the summer term, A. D. 1939, shall be filed in the Court of Civil Appeals for the Fourth (4th) Supreme Judicial District of Texas at San Antonio.

(3)

Amend H. B. 350 by adding a new section to be known as Section 3 and which shall provide as follows:

"Section 3. The fact that the docket of the Court of Civil Appeals at Galveston, Texas, is overcrowded and that many cases are now pending before said Court, and the fact that the City of Galveston is situated two hundred (200) miles from DeWitt County, Texas, and the fact that the City of San Antonio is situated eighty (80) miles from DeWitt County, Texas, thus making it much more con-

venient for the people of DeWitt County, Texas, to prosecute legal proceedings in San Antonio, Texas, rather than Galveston, Texas, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendments were adopted.

The bill was passed to third reading.

House Bill 350 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 350 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens	Nelsoi
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Martin

Metcalfe	Stone
Moffett	of Galveston
Moore	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Absent-Excused

Lemens Nelson

House Bill 744 on Second Reading

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 744 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 744, A bill to be entitled "An Act for the purpose of better preserving the game and fish resources of Calhoun and Jackson Counties by closing certain waters in Calhoun and Jackson Counties to certain types of net fishing and prohibitings the use of the oyster dredge in certain areas and making legal the operation of the pocket net or drag seine in certain waters; providing a penalty; repealing H. B. No. 232 of the Regular Session of the Forty-fifth Legislature, H. B. No. 67, Acts of the First Called Session of the Forty-fifth Legislature, and Article 937a, Penal Code of the State of Texas, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 744 on Third reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 744 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Hardin
Head
Hill
Isbell
Kelley
Lanning
Martin

Metcalfe Stone Moffett of Galveston Stone Moore of Washington Pace Redditt Sulak Roberts Van Zandt Shivers Weinert Winfield Small Spears

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Moore Beck Pace Brownlee Redditt Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone Head of Galveston Hill Stone of Washington Isbell Kelley Sulak Van Zandt Lanning Martin' Weinert Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

Reports of Standing Committees

Senator Brownlee, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 3, do hereby submit in lieu of said bill the attached Committee Substitute, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school during suspension or revocation in this state; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-residents and report convictions, and to suspend resident license upon conviction in another state; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license is denied or cancelled, suspended or revoked by Department, ex-

bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of tory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a negalty for a violation of providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke or cancel licenses; providing for time, place and manner of holding hearings before the Department of Public Safety; providing for the period of suspension by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining "conviction" and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this state; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-residents and report convictions, and to suspend resident

cept where such suspension or revocation is automatic; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; and making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of acci-dent statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill 15, Chapter 466, Page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill 16, Chapter 369, Page 752, Reg-ular Session Forty-fifth Legislature; providing a saving clause, and providing the Act shall take effect from and after September 1st, 1939,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu of the original bill and be printed.

BROWNLEE, Chairman.

Austin, Texas. March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 378, A bill to be entitled "An Act suspending the provisions of Section 5 of H. B. No. 336, Chapter 282, General Laws of Texas, Regular Session, Forty-second Legislature, 1931, insofar as said provisions affect the operation of motor vehicles transporting perishable agricultural products, including fruits and vegetables, and providing for exceptions to such suspensions; such suspension periods being from March 15, 1939 to April 1, 1939; and from December 1, 1939 to April 1, 1940, and from December 1, 1940 to April 1, 1941; providing that said suspension shall only apply to transporting perishable agricultural products; and suspending all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 431, A bill to be entitled "An Act providing pay for county board members of certain counties, and limiting the number of sessions to be paid for; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas, March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 234, A bill to be entitled "An Act authorizing the County School Boards of Trustees of certain counties to set aside an amount not to exceed Six Hundred Dollars (\$600.00) to defray the expenses of the County Superintendent and County School Board of Trustees in the administration of scholastic affairs; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

House Bill 542 on Second Reading

On motion of Senator Spears and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 542 at this time. The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 542, A bill to be entitled "An Act amending H. B. No. 726, Acts of the Forty-fifth Legislature approved May 5, 1937, and creating San Antonio River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency, municipality, body politic and corporate; defining certain words and phrases used therein; defining the boundaries of said District and ways of extending same; declaring creation of this district essential to accomplishment of purposes of Section 59 of Article 16, Constitution of State of Texas; pro-viding the said district shall not levy nor collect taxes nor pledge credit of the State; . . . etc.; providing for enforcement of penalties; providing for duties of State Board of Water Engineers, and Reclamation Engineers; providing for Board of nine directors, etc."

The bill was read second time.

Senator Spears offered the following amendments to the bill:

(1)

Amend H. B. No. 542 by changing the word "into" on page 9, paragraph R, line 12, to read "in, to,";

(2)

Amend H. B. No. 542 by inserting a comma after the word "Government" on page 12, line 1.

(3)

Amend H. B. No. 542 by striking out the commas on page 15 in line 17, after the word "engineers," and in line 18, after the word "Texas."

(4)

Amend H. B. No. 542 by striking out the word "however" on page 18, line 25.

(5)

Amend H. B. No. 542 by striking out on page 19 beginning on line 18 after the word "which" the following: "the Board shall determine in exchange for property of any kind, real, personal or mixed or any interest therein which"

(6)

Amend H. B. No. 542, page 27, line 25, by changing the word "or" to "by."

(7)

Amend H. B. No. 542, page 22, line 17, by changing the semicolon after the word "bonds" to a comma.

(8)

Amend H. B. No. 542, page 22, line 12, by inserting after the word "outstanding" a comma.

(9)

Amend H. B. No. 542, page 22, line 4, by changing the period at the end of said line 4 to a comma.

(10)

Amend H. B. No. 542, page 21, line 8, by changing the word "and" to "the".

(11)

Amend H. B. No. 542, page 21, line 16, by inserting a comma after the word "bonds".

The amendments were adopted.

The bill was passed to third reading.

House Bill 542 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 542 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Moore Beck Pace Redditt Brownlee Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone of Galveston Head Hill Stone of Washington Isbell Sulak \mathbf{Kelley} Van Zandt Lanning Weinert Martin Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas---29

Aikin	Moore
	· ·
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

House Bill 654 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 654 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 654, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Nacogdoches County for a period of two (2) years; providing certain exceptions; and providing a penalty therefor."

The bill was read second time and was passed to third reading.

House Bill 654 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 654 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea	s—	29
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Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	· · ·

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	
• •	

Absent—Excused

Lemens

Nelson

House Bill 532 on Second Reading

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 532 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 532, A bill to be entitled "An Act repealing Chapter 223 of the Acts. 1937, Forty-fifth Legislature, Regular Session, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 532 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 532 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Absent-Excused

Lemens

Nelson

The President then laid the bill befor the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

A *1 *	15
Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

House Bill 648 on Second Reading

On motion of Senator Head and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 648 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 648, A bill to be entitled "An Act regarding the trapping, taking and killing of wild fox in Bell County, for a period of two years, providing conditions and exceptions, providing a penalty for the violation of this Act, repealing laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 648 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 648 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

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Y	ρ	а		Ζ.	39

Aikin Moore Beck Pace Redditt Brownlee Roberts Burns Shivers Collie Cotten Small Spears Graves Hardin Stone of Galveston Head Stone Hill of Washington Isbell Sulak Kelley Van Zandt Lanning Weinert Martin Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

House Bill 800 on Second Reading

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 800 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 800, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any wild deer and or wild turkey for a period of three (3) years from and after the effective date of this Act in the Counties of Grimes and Brazos, State of Texas; fixing a penalty; repealing all laws and parts of laws in conflict herewith in so far as they apply to Grimes and Brazos Counties, and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 800 by adding Montgomery County.

The amendment was adopted.

The bill was passed to third reading.

House Bill 800 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 800 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin Moore Beck Pace **Brownlee** Redditt Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone of Galveston Head Hill Stone of Washington Isbell Kelley Sulak Van Zandt Lanning Martin Weinert Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston
Stone of Washington
Sulak
Van Zandt
Weinert
Winfield .

Absent-Excused

Lemens

Nelson

House Bill 830 on Second Reading

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 830 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 830, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all

levies and assessments of ad valorem taxes heretofore made by County Line Independent School Districts, partly situated in three (3) counties, the supervision of said school being located in counties having a population not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500) as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 830 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 830 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	${f Redditt}$
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Moore Aikin Beck Pace Brownlee Redditt Roberts Burns Collie Shivers Cotten Small Graves Spears Hardin Stone of Galveston Head Stone Hill of Washington Isbell Kelley Sulak Van Zandt Lanning Martin Weinert Metcalfe Winfield Moffett

Absent—Excused

Lemens

Nelson

House Bill 362 on Second Reading

On motion of Senator Spears, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 362 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 362, A bill to be entitled "An Act amending House Bill No. 309, being Chapter 53, page 101 of the Acts of the Thirty-eighth Legislature, Regular Session (1927) as amended by Senate Bill No. 520, being Chapter 210, page 499 of the Acts of the Forty-fourth Legislature, Regular Session (1935), and subdivisions 37, 45, 57, and 73 of Article 199, Title 8, Revised Civil Statutes of 1925 as amended, fixing the terms and prescribing the jurisdiction of the District Courts of the 37th, 45th, 57th, and 73rd Judicial Districts, providing for the administration of the business of said Courts, providing for the election of special judges in case of absence, sickness or inability of the regular judges to act and preside in the Civil District Courts of Bexar County, Texas, fixing the effective date of the Act and the date of the expiration of the terms of court then in session, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 362 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 362 be placed on its third reading and final passage.

The President ate on its second to third reading:

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

House Bill 783 on Second Reading

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 783 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 783, A bill to be entitled "An Act amending Section 1 of H. B. No. 186, same being Chapter 10, of the Special Laws of the Forty-third Legislature, Regular Session, by declaring the closed season on deer in San Augustine and Sabine Counties for a period of five years from the effective date of this Act and after its passage, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 783 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 783 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas 29

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	\mathbf{Hill}
Collie	Isbell
Cotten	Kelley

Spears Lanning Martin Stone of Galveston Metcalfe Moffett Stone of Washington Moore Sulak Pace Redditt Van Zandt Roberts Weinert \mathbf{W} infield Shivers Small

Absent-Excused

Lemens

Nelson

House Bill 711 on Second Reading

On motion of Senator Moffett and by unanimous consent, Senate rule 48 was suspended and the regular order or business was suspended, to permit consideration of H. B. No. 711 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 711, A bill to be entitled "An Act to provide a more adequate and equitable salary of County Superintendents of Public Instruction, and providing that said salary may be fixed by the County Board of Education in all of those counties of the State of Texas coming within the brackets and population figures herein named, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 711 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 711 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas-29

Aikin Kelley Beck Lanning Brownlee Martin Metcalfe Burns Collie Moffett Moore Cotten Graves Pace Hardin Redditt Head Roberts Hill Shivers Isbell Small

Spears Sulak
Stone Van Zandt
Of Galveston
Stone Weinert
Of Washington

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 256 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 256 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 256, A bill to be entitled "An Act authorizing towns and villages, heretofore incorporated under Chapter 12 of Title 28, Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers valuation for taxable purposes of \$500,000.00 or more, according to its latest approved tax rolls, notwithstanding any limitation contained in Article 1163 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers of cities and towns in the manner prescribed by Article 961 of the Revised Civil Statutes of Texas, 1925, amendments thereto, notwithstanding any limitation contained in said Article as to minimum popula-tion or as to the inclusion of manufacturing establishments, providing that such municipalities shall there-after have all of the rights, powers, privileges, immunities and franchises of cities and towns conferred by the laws contained in Title 28 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, making this Act cumulative of all other laws, providing that in the event of a conflict, the provisions of this Act shall pre-vail, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 256 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning Martin	Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt

Absent-Excused

Lemens

Nelson

House Bill 408 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 408 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 408, A bill to be entitled "An Act providing and fixing compensation for County Commissioners in certain counties, and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 408 by striking out the words and figures "30,000" and substituting in lieu thereof "30,017, and by striking out the words and figures "35,000" and substituting in lieu thereof "30,200."

The amendment was adopted.

The bill was passed to third reading.

House Bill 408 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 408 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Absent—Excused

Lemens

Nelson

House Bill 844 on Second Reading

On motion of Senator Small and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 844 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 844, A bill to be entitled "An Act to repeal House Bill No. 579, Acts of the Regular Session of the Forty-fourth Legislature, making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 844 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 844 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Small
Kelley	Spears
Lanning	Stone
Martin	of Galveston
Metcalfe	Stone
Moffett	of Washington
Moore	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

Senate Bill 216 on Second Reading

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 216 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 216, A bill to be entitled "An Act to amend Section 17, House Bill No. 68, Chapter 3, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 332, Chapter 123, Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the Special District Court of Smith County, Texas, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 216 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 216 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning Martin Metcalfe Moffett	Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield
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Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 335 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 335 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 335, A bill to be entitled "An Act providing for additional return and appearance days for civil citations, writs, process and causes of action, in District Courts in each Judicial District of this State composed of two or more counties, each county thereof having two terms of court, such terms continuing for twenty-six weeks; providing and prescribing procedure; and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 335 by striking out Section 1 thereof and substitute the following:

"Section 1. In District Courts in each Judicial District of this State composed of two or more counties, each county thereof having two terms of court, such terms continuing for twenty-six weeks, it is provided that in addition to the return day and appearance day at each regular term of court, as now provided by the General Laws for the return of civil citations, writs, process and causes of action and the perfection of service thereof, the twelfth Monday after the first Monday of each regular term of court shall be and same is hereby made return day for all civil citations, writs, process and causes of action as fully and to the same extent as a regular term of court and the return day of a regular term of court. The day following said return day is hereby made appearance day. All citations, writs, or process issued for service and return to said return day aforesaid shall be addressed to the twelfth Monday after the first Monday of the regular term of court in session at the date of the issuance thereof, naming said term, and shall be otherwise issued, served and returned in the same form, manner, and for the length of time required by law for civil citations, writs, process or causes of action made returnable to a regular term of court; and when so addressed, issued, served and returned, service thereof shall be perfected to said return day afore-said to the same extent and effect as to a regular term of court. It is further provided that any civil citation, writ, process or cause of action, service of which may be imperfect to the regular term of court shall be perfected to said return day afore-said to the same extent and effect as to a regular term of court. Any judgment, decree, order or disposition that might properly be made or entered upon any civil citation, writ, process or cause of action returnable to a regular term of court may be made and entered upon any such civil citation, writ, process or cause of action returnable to, or service of which may be perfected to the return day aforesaid."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 335 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 335 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	
	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

-Yeas-29

Aikin	\mathbf{Moore}
Beck	Pace
Brownlee	$\mathbf{Redditt}$
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

Senate Bill 286 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 286 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 286, A bill to be entitled "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employes; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to ap-propriate from public revenues each year to augment the retirement fund; describing this Act as the 'Municipal Retirement Law'; defining words and phrases as used in this Act; pre-scribing who shall be members of any such retirement system, and pro-viding for a refund of contributions to any employe leaving the service of such city; providing a method for contributions to the retirement fund by city employes and requiring the keeping of individual accounts with each member, and providing for an annual statement of the total accumulations to each contributor's credit, and providing that expenses of administration and operation of the retirement system shall be paid by appropriation from the general fund of any such city, etc.; and declaring an emergency.

The bill was read second time.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 286 by adding to Section 8 thereof, on page 10 thereof, the following language, to-wit:

"Provided, that said board may provide for the benefits herein provided for by contracting for and taking out from time to time an insurance policy, or policies, and, if necessary, renewals or substitutions of the same should said board deem it advisable."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 286 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 286 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas-29

A:laim	Magra
<u>A</u> ikin	<u>M</u> oore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

House Bill 300 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 300 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 300, A bill to be entitled "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 300 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 300 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Hill
Isbell
Kelley Lanning
Lanning
Martin
Metcalfe
Moffett
Moore
Pace

Redditt Stone
Roberts of Washington
Shivers Sulak
Small Van Zandt
Spears Weinert
Stone Winfield

Absent-Excused

Lemens

Nelson

Senate Bill 308 on Second Reading

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 308 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 308, A bill to be entitled "An Act fixing the maximum fees of county officials in certain counties containing a population of not less than 18,528 and not more than 18,535 according to the last preceding Federal census, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 308 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Moore Beck Pace Brownlee Redditt Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone of Galveston Head Hill Stone of Washington Isbell Sulak Kelley Lanning Van Zandt Weinert Martin Metcalfe Winfield Moffett

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Absent-Excused

Lemens

Nelson

Senate Bill 303 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 303 at this time.

The President laid before the Senate on its second reading and passage to engrossment.

S. B. No. 303, A bill to be entitled "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, etc., and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following amendment to the bill:

Amend S. B. No. 303 by striking out all of Sec. 21, and amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 303 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Martin Metcalfe	Winfield
	w innerd
Moffett	

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Hill Stone Isbell of Washington Kelley Sulak Lanning Van Zandt Martin Weinert Metcalfe Winfield
Moffett

Absent-Excused

Lemens

Nelson

Senate Bill 338 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 338 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 338, A bill to be entitled "An Act to fix the maximum rate to be levied for school purposes in all independent school districts which include within their limits an incorporated city or town which according to the then latest Federal Census had a population of not fewer than four thousand four hundred fifty (4,450) and not more than four thousand four hundred eighty-five (4,485) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 338 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent-Excused

Lemens

Nelson

House Bill 468 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 468 at this time

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 468, A bill to be entitled "An Act authorizing and empowering the Commissioners' Courts in Counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and a property valuation of more than One Hundred Million (\$100,000,-000) Dollars, according to the last approved County Tax Rolls, to enter into contract and agreement with the governing bodies of municipalities within said Counties for the purpose of furnishing fire protection in such Counties outside of the corporate limits of said municipalities and to make appropriations for paying municipalities for such services.

The bill was read second time and was passed to third reading.

House Bill 468 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 468 be passage.

The motion prevailed by the following vote:

Yeas-29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	***************************************

Absent-Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning Martin Metcalfe Moffett	Moore Pace Redditt Roberts Shivers Small Spears Stone of Galveston Stone of Washington Sulak Van Zandt Weinert Winfield
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Absent—Excused

Lemens

Nelson

Hour for Executive Session Set

On motion of Senator Shivers, and by unanimous consent, the Senate agreed to hold an executive session at 4:44 o'clock p. m. today.

Executive Session

The President, at 4:44 o'clock p. m., announced that the hour heretoplaced on its third reading and final fore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas. March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the Board of Pardons and Paroles of the State of Texas (unexpired term beginning on February 1, 1939, to fill the vacancy created by resignation of Bruce W. Bryant):

Walter C. Strong, of Rusk County.

Have had same under considera-tion and recommend that he be in all things confirmed.

SHIVERS, Chairman.

In Legislative Session

At 4:55 o'clock p. m., the President called the Senate to order as in legislative session.

House Bill 806 on Second Reading

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 806 at this time.

The President laid before the Senate on its second reading and passage to third reading.

H. B. No. 806, A bill to be entitled "An Act providing for and fixing compensation for County Auditor in certain counties, and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 806 on Third Reading

Senator Burns moved that the con-

pended and that H. B. No. 806 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-29

Aikin Moore Beck Pace **Brownlee** Redditt Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone of Galveston Head Hill Stone of Washington Isbell Kelley Sulak Van Zandt Lanning Martin Weinert Winfield Metcalfe Moffett

Absent—Excused

Lemens

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas-29

Aikin Moore Beck Pace Redditt Brownlee Burns Roberts Collie Shivers Cotten Small Graves Spears Hardin Stone of Galveston Head Stone Hill of Washington Isbell Sulak Kelley Van Zandt Lanning Weinert Martin Winfield Metcalfe Moffett

Absent—Excused

Lemens

Nelson

Adjournment

Senator Beck moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Martin moved that the stitutional rule requiring bills to be Senate adjourn until 10:00 o'clock read on three several days be sus- a. m. next Monday, March 27, 1939.

Question first recurring on the motion of Senator Martin, yeas and nays were demanded.

The roll was called on the motion, and the vote announced:

Yeas 12, nays 12.

The President voted yea, and the motion prevailed by the following vote:

Yeas—13

Mr. President	Martin
Brownlee	Pace
Burns	Redditt
Collie	Stone
Cotten	of Galveston
Graves	Weinert
Isbell	Winfield

Nays-12

	-
Aikin	Moore
Beck	Roberts
Hill	Shivers
Lanning	Small
Metcalfe	Spears
Moffett	Van Zandt

Present-Not Voting

Sulak

Absent

Hardin	Stone
Head	of Washington
Kelley	

Lemens Nelson

The Senate, accordingly, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, March 27, 1939.

In Memory of

Bon. W. W. Turney

Senator Winfield offered the following resolution:

Senate Resolution 49

Whereas, Former Senator W. W. Turney, of El Paso, departed this life on March 23rd, and

Whereas, The Hon. W. W. Turney served with distinction in the House of Representatives in the Twenty-third and Twenty-fourth Legislatures, and in the Senate of Texas during the Twenty-fifth, Twenty-sixth and Twenty-seventh Legislatures, where he distinguished himself by patriotic, unselfish service to his constituents and to the State at large, and by such service gained a reputation which has enabled him to be of great value to the State of Texas as a private citizen, and to make him a refuge to which people from all sections of the State turned in time of stress, and a source from which people in all walks of life have obtained sound and dependable counsel. Now, therefore, be it

Resolved by the Senate of the State of Texas, That we express our deep appreciation for the many years of distinguished service rendered by the Hon. W. W. Turney to the State of Texas as a Legislator and as a private citizen, and that we deeply deplore the great loss the entire State has suffered in his untimely passing, and a copy of this Resolution be sent to the members of his family, and that it be printed in the Senate Journal, and that when the Senate adjourns on this day that it do so in respect to the memory of this distinguished statesman and outstanding citizen.

WINFIELD, SMALL.

Signed.—Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts. Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield.

On motion of Senator Spears, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.